

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)
)
)
) CAUSE NOS.: 2:06-CR-130-RL
v.) 2:07-CR-154-RL
)
JEROME BARNES,)
 Defendant.)

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT JEROME BARNES**

TO: THE HONORABLE RUDY LOZANO, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Jerome Barnes's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on December 6, 2007, with the consent of Defendant Jerome Barnes, counsel for Defendant Jerome Barnes, and counsel for the United States of America.

The hearing on Defendant Jerome Barnes's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Jerome Barnes under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Jerome Barnes,

I FIND as follows:

- (1) that Defendant Jerome Barnes understands the nature of the charges against him to which the plea is offered;
- (2) that Defendant Jerome Barnes understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses,

and his right against compelled self-incrimination;

(3) that Defendant Jerome Barnes understands what the maximum possible sentences are, including the effect of the supervised release terms, and Defendant Jerome Barnes understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Jerome Barnes has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Jerome Barnes is competent to plead guilty;

(6) that Defendant Jerome Barnes understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Jerome Barnes's plea; and further,

I RECOMMEND that the Court accept Jerome Barnes's plea of guilty to the offenses charged in Counts 1 and 2 of the Indictment in Cause No. 2:06 CR 130, and Count 5 of the Indictment in Cause No. 2:07 CR 154, and that Defendant Jerome Barnes be adjudged guilty of the offenses charged in Counts 1 and 2 of the Indictment in Cause No. 2:06 CR 130, and Count 5 of the Indictment in Cause No. 2:07 CR 154, and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Jerome Barnes be adjudged guilty, sentencing has been scheduled for **February 21, 2008, at 10:00 a.m.** in the Hammond Division, before Judge Rudy Lozano. Defendant Jerome Barnes is **ORDERED** to be present in person at sentencing. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 6th day of December, 2007.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable Rudy Lozano